



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/605,715

10/21/2003

Rogest William Dively II.

1031004

2714

24253 7590 01/06/2009  
JOEL I ROSENBLATT  
445 11TH AVENUE  
INDIALANTIC, FL 32903

EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3624

MAIL DATE

DELIVERY MODE

01/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/605,715	<b>Applicant(s)</b> DIVELY ET AL.	
	<b>Examiner</b> JOHNNA R. LOFTIS	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a non-final office action upon examination of application number 10/605715. Claim 22 has been amended. Claim 44 cancelled. Claim 45 added. Claims 1-43 and 45 are pending and have been examined on the merits discussed below.

### ***Response to Arguments***

2. Applicant's arguments filed with respect to previous rejections to the systems have been fully considered but they are not persuasive. Examiner points out that the cited reference does in fact teach the system for performing the method steps of the current invention. For brevity, Examiner chose to reject the system claims by pointing to the rejection of the method claims, since the cited portions of Greenfield teach the system. Since the instant office action requires new rejections under 35 USC 101, the action was made non-final. Examiner has decided laid out all rejections for the system claims. Examiner notes that the basis of the rejection to the claims has not changed.

3. With respect to claims 1, 23, 29 and 34 wherein Applicant argues that Greenfield does not teach organization of the system at the enterprise, structural or element level, Examiner points out that these are listed in the alternative. Since Greenfield teaches reporting work recommendation for components (elements), the reference reads on the invention.

4. Referring to claims 5-11, 41, Examiner would like to clarify the rejections for these claims are not the same as the rejection for claim 1. The format examiner uses shows the rejection for claim 1 is the same as claim 23, the rejection for claim 5 is the same as claim 27, etc. Since the claim language for these claims, i.e., 1 and 23, 5 and 27, 6 and 28, etc., is

Art Unit: 3624

substantially the same only one points to a method, the other a system, Examiner chose to shorten the rejections. The rejection for claim 27 covers "deferring any part of the recommended work". As mentioned above, all rejections have been laid out in the instant action.

5. With respect to claim 13 and 38, Applicant argues the reference does not a degradation rate factor. Examiner points out the elements of the claim are laid out in the alternative. Since Greenfield teaches the coating systems standards, the limitation of the claim are met. Previous rejection upheld.

6. With respect to claim 14, claim elements are laid out in the alternative. Since Greenfield teaches reporting conditions of the elements, the limitations of the claim are met. Previous rejection upheld.

7. With regard to claim 15, Examiner points out that Greenfield does in fact teach performance reports wherein performance is tracked for installed coatings and lining systems (column 2, lines 25-30).

8. With respect to claim 16 and 37, Examiner points to column 12 lines 25-67 wherein costs are recalculated based on changing information. Inherently any changes to the schedule will incur costs whether upfront or deferred. If work is pushed out these costs are deferred. Previous rejection under Greenfield is upheld

9. Regarding conditions grades or expected condition grades as recited in claim 20, Examiner points to column 5, table 2 of Greenfield. Here, the components are inspected for defects wherein defects are rated based on frequency. Examiner construes the claimed grade to be a defect level wherein each rating of defect correlates to a frequency or (expectation) of defect. Previous rejections are upheld.

Art Unit: 3624

10. With respect to claim 21, Applicant argues Greenfield does not teach determining priority for maintenance. Examiner points to column 12 wherein priority lists are disclosed. In the context of the Greenfield reference it is clear that the priority lists refer to the priority rank for each component in the maintenance system. Previous rejections are upheld.

11. With respect to claim 22, examiner has withdrawn previous rejection under 102 and has introduced a new rejection under 35 USC 103

12. With respect to claim 29, Applicant argues Greenfield does not teach means for producing an optimum work schedule. The elements of claim 29 are listed in the alternative. Since Greenfield teaches at least one, the cited reference reads on the claim limitations. Previous rejections upheld.

13. With respect to claim 33, Applicant argues Greenfield does not teach storing data indicative of corrosion control standards. Examiner points to cited portions of Greenfield, tables 2 and 3 wherein the treatments for corrosion are selected based on requirements of coating materials previously entered or recommendations/experiences of coating engineer. The selection of the corrosion treatment is based on standard processes based on the material at hand. Previous rejections upheld.

14. Regarding claims 2-4, 24-26, 35-37, Applicant has attempted to challenge the Examiner's taking of Official Notice in the Office Action mailed 4/30/08. There are minimum requirements for a challenge to Official Notice:

(a) In general, a challenge, to be proper, must contain adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice

Art Unit: 3624

(b) Applicants must seasonably traverse (challenge) the taking of Official Notice as soon as practicable, meaning the next response following an Office Action. If an applicant fails to seasonably traverse the Official Notice during examination, his right to challenge the Official Notice is waived.

Applicant has not provided adequate information or arguments so that *on its face* it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefore, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner's taking of Official Notice has been maintained.

Bald statements such as, "the Examiner has not provided proof that this element is well known" or "applicant disagrees with the Examiner's taking of Official Notice and hereby requests evidence in support thereof", are not adequate and do not shift the burden to the Examiner to provide evidence in support of the Official Notice.

15. In light of recent Supreme Court precedent and recent Federal Circuit decisions, the claims warrant new rejections under 35 USC 101. These rejections are presented below.

### ***Claim Rejections - 35 USC § 101***

16. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

17. Claims 23-32 are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying

Art Unit: 3624

subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be performed without the use of a particular apparatus. Thus, claims 23-32 are non-statutory.

Claims 1-22 are also rejected as being directed toward non-statutory subject matter because they are software per se. Claims recite "a data processing system... comprising means for..." as well as several elements that appear to be software modules or computer programs. The current claim language does not specify the software is part of or statically embodied in a physical medium. Software not statically embodied on a physical medium are considered descriptive material per se. As drafted, the claim fails to define any structural and functional interrelationships between the software per se and other elements of the invention that permit the software's function to be realized. (See MPEP § 2106 Section IV B 1 (a)).

***Claim Rejections - 35 USC § 102***

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. Claims 1, 5-21, 23, 27-34 and 38-43 rejected under 35 U.S.C. 102(b) as being anticipated by Greenfield et al, US 5,737,227.

As per claim 1, Greenfield et al teaches data collection for storing data in a database and the step of producing reports from said stored data (column 7, lines 33-67 – storage of collected information in computer system); said step of producing reports includes the step of producing summary recommended work reports summarizing recommended work for controlling corrosion at the enterprise, structural or element levels (abstract and column 3, line 59 – column 4, line 4 – data collection and report generation); computer system (column 7, lines 33-52).

As per claim 5, Greenfield et al teaches producing summary work reports includes the step of producing for at least one summary work report, listing the recommended work in at least one time defined forecast, or a report of the cost of deferring any part of said recommended work (table 4 - data operations includes reporting cost and schedule data as well as preparation of work packages); computer system (column 7, lines 33-52).

As per claim 6, Greenfield et al teaches producing a report listing the recommended work in at least one time defined forecast, includes the step of producing a plurality of said time defined forecast reports or separate respective time periods (column 3, line 59 – column 4, line 4



Art Unit: 3624

– forecasting of maintenance work using interactive screens and data generating reports); computer system (column 7, lines 33-52).

As per claim 7, Greenfield et al teaches producing summary recommended work reports at said element level includes the step of producing at said element level, at least a coating system performance report or optimum work schedule report, or deferred work report or completed work report (column 12, lines 53-65 – coating performance reporting); computer system (column 7, lines 33-52).

As per claim 8, Greenfield et al teaches storing data indicative of condition evaluation of at least one element and or respective corrosion action for a respective element at a defined degradation level (column 11, table 8, storage of condition of material as well as evaluation for repair to prevent further degradation); computer system (column 7, lines 33-52).

As per claim 9, Greenfield et al teaches storing data indicative of corrosion control standards for costs, actions, or expected service life (column 5, table 3 – coating system standards); computer system (column 7, lines 33-52).

As per claim 10, Greenfield et al teaches means for data collection includes means for storing element data indicative of a respective element and of said respective element's total area, or event type, or date or condition grade, or percentage repair area, or coating system or critical inspection items or digital photographs (column 8, lines 1-29 – inspection information including defects (condition) as well as photographs).

As per claim 11, Greenfield et al teaches storing element data indicative of a respective element and of said respective element's total area, or event type, or date or condition grade or percentage repair area or coating system or critical inspection items or digital photographs and

Art Unit: 3624

said step of producing summary recommended work reports at said element level include the step of using at least some of the element data and at least some of said data indicative of corrosion control standards for producing budget estimates or maintenance actions (column 8, lines 1-29 – inspection information including defects (condition) as well as photographs; column 3, line 59 – column 4, line 4 – forecasting of maintenance work using interactive screens and data generating reports); computer system (column 7, lines 33-52).

As per claim 12, Greenfield et al teaches producing summary reports, includes means for producing structure reports by including at least a plurality of elements in said respective structure (abstract – assets include structures; column 4, step 100 – asset grouping; column 7, lines 52-63 - asset information is entered; abstract and column 3, line 59 – column 4, line 4 – data collection and report generation).

As per claim 13, Greenfield et al teaches means for storing data indicative of corrosion control standards, includes means for storing data indicative of an identifier and one or more standards of surface preparation requirements, primer coat, second coat, third coat, finish coat, installed cost, touch-up costs, refresh costs, restore costs, specific use identifier, initial condition factor or degradation rate factor (column 5, table 3 - coating systems standards).

As per claim 14, Greenfield et al teaches means for producing summary recommended work reports includes means for producing an optimum maintenance scheduling report, responsive to at least one selected element, selected acceptable condition grade, condition grade expected in relation to the related installed coating system for the respective element, providing actions or budget estimates (column 8, lines 1-29 – inspection information including defects (condition) as well as photographs; column 3, line 59 – column 4, line 4 – forecasting of

Art Unit: 3624

maintenance work using interactive screens and data generating reports; column 2, lines 20-25 – maintenance planning and budget estimates).

As per claim 15, Greenfield et al teaches means for producing summary recommended work reports includes means for producing a material performance report for comparing the performance of an applied corrosion control system with expected performance for said applied system and including means for combining element data for at least one selected element, said element data including actual condition grade data, with data indicative of expected performance for said element with said applied system (column 12, lines 53-65 – performance reports; column 2, lines 26-30 – performance of installed coating and lining systems are reported).

As per claim 16, Greenfield et al teaches the means for producing summary recommended work reports includes means for producing a cost of deferring work report including data indicative of at least one selected element, a selected deferral period, data indicative of the expected performance of a corrosion control system applied to said selected element, means responsive to said element data and said expected performance data for calculating future costs of deferred maintenance (column 13, lines 53-65 maintenance and cost reports).

As per claim 17, Greenfield et al teaches means for producing summary recommended work reports includes means for producing a completed work report responsive to element data indicative of the element name, and a completed event type or completed event date or costs of completion (table 10, scheduled work and calculated costs).

As per claim 18, Greenfield et al teaches means for producing a summary recommended work report includes means for using at least some of said element data and at least some of said

Art Unit: 3624

data indicative of corrosion control standards for producing budget estimates for a selected element and for comparing said budget estimates with said costs of completion for said selected element (column 5, table 3 – coating system standards used in conjunction with work planning table 4 wherein budgetary requirements are considered).

As per claim 19, Greenfield et al teaches means for producing reports includes means for producing a critical inspection attribute report; said means for producing said critical inspection action report including means for using element data indicative of critical inspection items, maintenance actions performed or completed for at least one element (column 4, table 1, lists whether element is critical; table 6 criticality is entered).

As per claim 20, Greenfield et al teaches means for producing optimum maintenance scheduling report includes means for using said selected element, condition grades acceptable before maintenance is to be performed and wherein said condition grades expected is derived from data indicative of said coating system installed for said selected element (column 12, lines 53-65 – maintenance activity reports column 5, table 2, based on defects or condition of material inspection frequency is set).

As per claim 21, Greenfield et al teaches means for producing summary recommended work reports includes means for maintenance priority reports including means for using element data for at least one selected element, indicative of priority, refresh or restore costs, and means for determining the priority of maintenance for said selected element based on designated allocation of maintenance budget (column 12, lines 53-65 – master asset or subcomponent priority lists).

Art Unit: 3624

As per claim 23, Greenfield et al teaches data collection for storing data in a database and the step of producing reports from said stored data (column 7, lines 33-67 – storage of collected information in computer system); said step of producing reports includes the step of producing summary recommended work reports summarizing recommended work for controlling corrosion at the enterprise, structural or element levels (abstract and column 3, line 59 – column 4, line 4 – data collection and report generation).

As per claim 27, Greenfield et al teaches producing summary work reports includes the step of producing for at least one summary work report, listing the recommended work in at least one time defined forecast, or a report of the cost of deferring any part of said recommended work (table 4 - data operations includes reporting cost and schedule data as well as preparation of work packages).

As per claim 28, Greenfield et al teaches producing a report listing the recommended work in at least one time defined forecast, includes the step of producing a plurality of said time defined forecast reports or separate respective time periods (column 3, line 59 – column 4, line 4 – forecasting of maintenance work using interactive screens and data generating reports).

As per claim 29, Greenfield et al teaches producing summary recommended work reports at said element level includes the step of producing at said element level, at least a coating system performance report or optimum work schedule report, or deferred work report or completed work report (column 12, lines 53-65 – coating performance reporting).

As per claim 30, Greenfield et al teaches storing data indicative of condition evaluation of at least one element and or respective corrosion action for a respective element at a defined

Art Unit: 3624

degradation level (column 11, table 8, storage of condition of material as well as evaluation for repair to prevent further degradation).

As per claim 31, Greenfield et al teaches storing data indicative of corrosion control standards for costs, actions, or expected service life (column 5, table 3 – coating system standards).

As per claim 32, Greenfield et al teaches storing element data indicative of a respective element and of said respective element's total area, or event type, or date or condition grade or percentage repair area or coating system or critical inspection items or digital photographs and said step of producing summary recommended work reports at said element level include the step of using at least some of the element data and at least some of said data indicative of corrosion control standards for producing budget estimates or maintenance actions (column 8, lines 1-29 – inspection information including defects (condition) as well as photographs; column 3, line 59 – column 4, line 4 – forecasting of maintenance work using interactive screens and data generating reports).

As per claim 33 Greenfield et al teaches a database adapted to store data indicative of a facility and elements within said facility subject to corrosion (table 1); said database adapted to store data indicative of corrosion control standards for controlling corrosion on said elements (table 3); said data processor adapted to access said data in said database to produce data indicative of reports of corrosion control plans for said elements (table 4 data operation reports).

As per claim 34, Greenfield et al teaches the database is adapted to include data indicative of at least one structure comprising a plurality of elements or an enterprise comprising a plurality of structures and said data processor is adapted to produce at least one summary

Art Unit: 3624

recommended work report summarizing recommended work for controlling corrosion at the enterprise, structural or element level (table 4)

As per claim 38, Greenfield et al teaches said database is adapted to store data indicative of corrosion control standards for surface preparation requirements, primer coat, second coat, third coat, finish coat, installed cost, touch-up costs, refresh costs, restore costs, specific use identifier, initial condition factor or degradation rate factor (table 3 coating systems standards).

As per claim 39, Greenfield et al teaches data processor responsive to said data indicative of said elements and said corrosion control standards is adapted to produce data indicative of at least one optimum maintenance scheduling report including budget estimates or scheduled actions (column 12, lines 53-65 – maintenance activity report).

As per claim 40, Greenfield et al teaches data processor responsive to said data indicative of said elements and said corrosion control standards is adapted to produce data indicative of at least one material performance report comparing the performance of an applied corrosion control system with expected performance for said applied corrosion control system (column 13, lines 53-65 – coating use and performance list report).

As per claim 41, Greenfield et al teaches data processor is adapted to access said data in said database to produce data indicative of reports of corrosion control plans for said elements, is adapted to produce data indicative of cost of deferring work including data indicative of at least one selected element, a selected deferral period, data indicative of the expected performance of a corrosion control system applied to said selected element, and responsive to said element data and said expected performance data, data indicative of the future costs of deferred maintenance (column 13, lines 53-65 maintenance and cost reports).

Art Unit: 3624

As per claim 42, Greenfield et al teaches database is adapted to store element data indicative of a respective element and of said respective element's total area, or event type, or date or condition or grade, or percentage repair area or coating system or critical inspection items or digital photographs (column 10, table 6, for example, criticality, total surface area, date, component type).

As per claim 43, Greenfield et al teaches data processor adapted to access said data in said database indicative of at least one corrosion control standard for at least one selected element is adapted to produce data indicative of maintenance priority report, responsive to said element and standard data (column 13, lines 53-65 – maintenance report; also table 4 – data operations reports).

### ***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 2-4, 22, 24-26, 35-37 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield et al, US 5,737,227.

As per claim 2, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4; computer system - column 7, lines 33-52), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at



Art Unit: 3624

the time of the instant invention it would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

As per claim 3, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4; computer system - column 7, lines 33-52), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at the time of the instant invention it would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

As per claim 4, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4 and column 12, lines 53-65; computer system - column 7, lines 33-52), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at the time of the instant invention it would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have

Art Unit: 3624

performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

As per claim 22, Greenfield et al teaches means for producing scale responsive to said coating system performance report (column 4, table 2 - performance data indicates substrate condition and coating integrity on a scale; ie. structurally failed and poor integrity), but does not explicitly teach producing an alarm. Examiner takes official notice that it is old and well known to include alarms or other indications when reporting data. In the case of material coating, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an alarm when performance of a coated material is substandard as a way to quickly notify appropriate personnel. By incorporating an alarm into the method and system of Greenfield recommendations can be made to remedy the coatings.

As per claim 24, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at the time of the instant invention it would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

As per claim 25, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at the time of the instant invention it

Art Unit: 3624

would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

As per claim 26, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4 and column 12, lines 53-65), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at the time of the instant invention it would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

As per claim 35, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at the time of the instant invention it would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

Art Unit: 3624

As per claim 36, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at the time of the instant invention it would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

As per claim 37, Greenfield et al teaches data collection, analyzing data and generating reports (column 3, line 59 – column 4, line 4), but does not explicitly teach producing log on screens to access such data. Official notice is taken that at the time of the instant invention it would have been obvious to one of ordinary skill in the art to incorporate secure access with log on screens as a way to secure data and restrict access to only those users with access rights since the instant invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized the results of the combination were predictable.

As per claim 44, Greenfield et al teaches means for producing scale responsive to said coating system performance report (column 4, table 2 - performance data indicates substrate condition and coating integrity on a scale; ie. structurally failed and poor integrity), but does not explicitly teach producing an alarm. Examiner takes official notice that it is old and well known to include alarms or other indications when reporting data. In the case of material coating, it would have been obvious to one of ordinary skill in the art at the time of the invention to include

Art Unit: 3624

an alarm when performance of a coated material is substandard as a way to quickly notify appropriate personnel. By incorporating an alarm into the method and system of Greenfield recommendations can be made to remedy the coatings.

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,806,849 – Kihira et al - Method and apparatus for diagnosing degradation of coating film on metal material

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHNNA R. LOFTIS whose telephone number is (571)272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brad Bayat can be reached on 571-272-6636. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Johnna R Loftis/  
Examiner, Art Unit 3624  
1/5/09